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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,690	03/17/2004	Dov Pikielny	1416DOV-US	1888
32964	7590	07/08/2005	EXAMINER	
DEKEL PATENT LTD., DAVID KLEIN BEIT HAROF'IM 18 MENUHA VENAHALA STREET, ROOM 27 REHOVOT, 76209 ISRAEL			JOHNSON, STEPHEN	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,690

Applicant(s)

PIKIELNY, DOV

Examiner

Stephen M. Johnson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the magazine well and weapon (see claim 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-5, 7-8, 12-13, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Herold et al..

Herold et al. disclose a weapons magazine comprising:

- |  |            |
|--|------------|
| a) a magazine body ;                           | 10         |
| b) a biasing device ;                          | 26         |
| c) a power source;                             | 46         |
| d) a light (LED) mounted on the magazine body; | 30         |
| e) a floor plate;                              | 16         |
| f) a switch; and                               | 48         |
| g) a weapon with magazine well.                | 12, 14, 19 |

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herold et al. in view of Kaminski.

Herold et al. apply as previously recited. However, undisclosed is a laser switch that is a transceiver. Kaminski teaches a laser switch that is a transceiver 62. Applicant is substituting one laser switch for another in an analogous art setting as explicitly encouraged by the secondary reference (see Kaminski (fig. 4)). It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Kaminski to the Herold et al. weapons magazine and have a weapons magazine with a different type of laser switching means.

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6. Claims 1-6 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Fell et al..

Fell et al. disclose a weapons magazine comprising:

- |  |                |
|--|----------------|
| a) a magazine body ;                     | see figs. 4, 5 |
| b) a biasing device ;                    | 7              |
| c) a power source;                       | 22             |
| d) a light mounted on the magazine body; | 15, 16         |
| e) a floor plate;                        | 45             |
| f) a switch; and                         | 5              |
| g) a weapon with magazine well.          | see fig. 1     |

7. Claims 9, 11, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al. in view of Holcomb et al..

Fell et al. apply as previously recited. However, undisclosed is an RF transceiver attached to the bottom of the magazine to emit signals. Holcomb et al. teach an RF transceiver attached to the bottom of the magazine to emit signals (col. 6, lines 53-59). Applicant is selecting a means known in this art to transmit signals to identify the location of a firearm in use and putting it to use as it is already commonly known to be used in this art. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Holcomb et al. to the Fell et al. magazine and have a magazine with an RF transceiver.

8. Claims 1-5, 7-8, 12-13, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Willoughby et al..

Willoughby et al. disclose a weapons magazine comprising:

- a) a magazine body ; 56, 58
- b) a biasing device ; inside 56
- c) a power source; 74
- d) a light mounted on the magazine body (laser diode); 72
- e) a floor plate; see fig. 3
- f) a switch; and 76
- g) a weapon with magazine well. see fig. 2

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Toole et al., Podvin, and Haimovich et al. disclose other state of the art weapons magazines.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned are 703-872-9306. As of July 15, 2005, the fax phone number for the organization where this application or proceeding is assigned will change to 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

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**STEPHEN M. JOHNSON**  
**PRIMARY EXAMINER**

SMJ

July 6, 2005

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641